

CITY OF ABERDEEN
PLANNING COMMISSION MEETING
MINUTES

Wednesday, February 15, 2012

A meeting of the Aberdeen Planning Commission was called to order at 7:00 p.m., February 15, 2012 in the Council Chambers by Chairman Swisher.

MEMBERS PRESENT: Chairman Swisher, Commissioners Heavey, Hersh, Kosko, Preston, and Schlottman.

OTHERS PRESENT: Councilwoman Sandra Landbeck, City Council liaison
Phyllis Grover, Director of Planning & Community
Development
Matt Lapinsky, Public Works Director
Lt. Kirk Bane, Aberdeen Police Department
Gil Jones, Recording Secretary

The minutes for the January 11, 2012 meeting were approved with two changes: The reference to the “Comp” Plan on page 3 was changed to “Comprehensive,” and the word “couple” was changed to “few” on the same page.

AGENDA ITEMS:

1. **Review Comprehensive Rezoning Applications**
 - A. **1104 OPR LLC, Parcels 561, 562, & 130 located off Old Philadelphia Road, 20.46 acres.**

Representative: Jayne Wright, managing member, 1104 OPR LLC.

Ms. Wright gave a brief description of the property and its history. She feels that since it is the first property inside the Aberdeen City limits, a zoning of B-3 (Highway Commercial District) would provide for a more business-oriented use. She also showed the Planning Commission a conceptual plan done several years ago illustrating a possible business use.

Mr. Swisher asked if the property had an historic home on it. Ms. Wright said no, that house is across the street and closer to Routes 7 and 40. Mr. Swisher confirmed that all three parcels in question are to be changed from M-1 (Light Industrial) to B-3 zoning.

Mrs. Grover indicated the Department of Planning & Community Development supports the change to B-3.

The Chairman opened the floor for public comment. No comments were forthcoming. No comments were offered by the Planning Commission members.

Motion by Mr. Schlottman, seconded by Mr. Hersh, to approve the application for rezoning of Parcels 561, 562, and 130 located off Old Philadelphia Road from M-1 to B-3. Motion passed unanimously.

1. Review Comprehensive Rezoning Applications

B. Colony at Beards Hill LLC, Parcel 55, P/O Lot 1, located off Beards Hill Road, 17.90 acres, plus or minus.

Representatives: Joseph Snee, Gessner, Snee, Mahoney & Lutche, on behalf of Colony at Beards Hill LLC, property owner and applicant, and Rick Chadsey of Property Sales Company LLC, representing the contract purchaser of the property.

Mr. Snee indicated the Colony at Beards Hill property is currently split-zoned R-1 (Low Density Residential) and B-3 (Highway Commercial District). The owners are requesting the zoning be changed to R-3 (High Density Residential), with a smaller portion remaining B-3. Mr. Snee described the immediate area and boundaries of the property. Mr. Swisher asked about the brown line shown on the drawing and whether that represents the pumping station and its related easement. Mr. Chadsey and Mr. Snee both said yes. Mr. Snee provided an additional drawing that showed the split zoning being retained. The current R-1 is 4.158 acres and the B-3 is 13.75 acres. The request is for 15.933 acres to be zoned R-3, with the remaining acreage, roughly 1.975 acres, to be B-3. The change would produce a transition from the neighboring R-1 zoning into the R-3, then to the B-3.

Mrs. Grover asked if the remaining B-3 panhandle is part of 800 Beards Hill Road LLC. Mr. Snee said it is not. He distributed a handout showing the creation of a right-of-way with a utility easement in 2001. The easement for the pumping station and conduit was also created at that time. The right-of-way will provide access to the City owned property to the rear of the property under consideration for rezoning. Mr. Swisher, in seeking clarification, asked if the City's right-of-way separated the two parcels and two zonings. Mr. Snee said that is correct, and that the right-of-way would be built as a road, at the developer's expense, to provide permanent access to the City's property. Mr. Snee said this right-of-way serves to effectively subdivide the property.

In response to Mrs. Kosko's question from last month's Planning Commission meeting as to what type of development is proposed for the property, Mr. Snee distributed a rendering of "Beards Hill Apartment Homes," a proposed 15-building, 180-unit, \$15 million project. Mr. Snee indicated the units would have two bedrooms and two baths, with a 2.7-to-1 ratio of parking. The rents are projected to be in the \$1,200 to \$1,600 range. The remaining triangular piece of land in the B-3 area is proposed for self-storage units. This is the reason for the R-3/B-3 split along the proposed road. Amenities would include covered parking, wading and swimming pools, a cyber café, and a fitness center. The project would provide an estimated 10 to 15 full-time equivalent jobs. As for traffic, Mr. Snee indicated the extension of Middleton Road to Beards Hill Road would come out close to this project. Mr. Chadsey said the extension of Middleton Road beside the current Rite Aid would come out at Beards Hill Road and align with the entry to the complex. Mrs. Grover and Mr. Lapinsky advised Mr. Chadsey that the Rite Aid has not been built, and that the plans for extension of Middleton Road to Beards Hill Road have not been finalized.

Mrs. Grover asked if a market study had been done indicating this to be the highest and best use. Mr. Chadsey said there had been a study done for the area from the Delaware line to the Baltimore County line and the only similar type of complex is at Interstate 95 and Maryland Route 272. He has had discussions with his marketing people and Karen Holt of Harford County who felt this would be a great use for the town. He feels this would be a great use for young professionals in the 22 to 45 age range coming in with the contractors. Mrs. Grover asked about the nature of the units. Mr. Chadsey said they would all be 2-bedroom units, or 2-bedrooms with a den that could be a third bedroom. He surmised this could be used by two college students. There would be no 1-bedroom units at all.

Mr. Lapinsky expressed concern about another 487 parking spaces in an area with a lot of traffic already. He reiterated that the extension of Middelton Road has not been pushed through and he hasn't seen any plans addressing this in the near term. He pointed out that Beards Hill Road and Route 22 is a failed intersection under State Highway Administration (SHA) criteria, with no hope of Middelton Road going through any time soon. He asked if the developer would entertain the completion of Middelton Road all the way through to Beards Hill Road. In addition, Mr. Lapinsky indicated the proposed alignment of the road is not in the 50-foot right-of-way. This may not be adequate in getting traffic to the City's property. Mr. Chadsey indicated Messrs. Klein and Salvo have committed to the extension of Middelton Road. Mr. Lapinsky countered that this would only occur when the property on either side of the proposed extension of Middelton Road at Beards Hill Road is developed. Mr. Chadsey said that talks are under way with an extended stay hotel about building at Beards Hill and Middelton Roads. He committed to doing an adequate traffic study and widen across the frontage of his property. He also indicated the 50-foot right-of-way was deemed appropriate at the time the current plat was recorded and the property was being considered as the site for Ripken Stadium. He feels the right-of-way issues can be worked out, but won't commit to building Middelton Road. Mr. Lapinsky expressed additional concerns about the right-of-way. Mr. Chadsey said Frederick Ward Associates has prepared a right-of-way plat and is under review in Mrs. Grover's office. Mrs. Grover said she has not seen such a plat, that it may be with the City Manager. Mr. Lapinsky said that when the traffic study is to be undertaken, the City would bid the study and the developer would pay for it. Mr. Chadsey is amenable to that, but wanted the scope of the study to be related to his project. Mr. Lapinsky said it would be.

Mr. Hersh asked if the developer is willing to give up part of his property to widen Beards Hill Road. Mr. Snee said they would work with Mr. Lapinsky on those specifications to make sure the City's property is adequately serviced.

Mrs. Heavey thanked the presenters for the more elaborate map and indicated her preference for the area to be zoned R-2 (Medium Density Residential) in its entirety. She asked for clarification of the statement in the rezoning request that indicates access would be provided to the "programmed park," and if the access easement is there regardless of zoning. Mr. Snee said yes, the easement is there regardless of zoning, and that in connection with development of the site, the road would be built. Mrs. Heavey expressed concern over traffic and asked how many stories would comprise each apartment building. Mr. Chadsey said most of the buildings would be 3 stories. Due to grade and soil conditions, there may be 4-story buildings in the rear of the property. Mr. Snee said R-3 zoning is being requested because apartments are not a permitted use in R-2.

Mrs. Kosko thanked the presenters for their response to her comments from last month's meeting. She expressed continued concern over the panhandle lot and asked that if the road is to be built why it couldn't be R-3. Mr. Chadsey said the proposed access road off Beards Hill Road would become a public road. Mr. Snee said that due to the remaining triangle of property it makes more sense for B-3. Mrs. Kosko opined that a road is a road, regardless of zoning. Mr. Lapinsky said that until something is built on the City's property, there would be no value to the City to own that roadway. Additional discussion ensued over public roads, panhandle lots, and zoning issues as they relate to this road and the immediate area. Mr. Snee, per Mrs. Kosko's comment, said the property in question would be split-zoned regardless of where the line is drawn.

Councilwoman Landbeck asked Mrs. Grover if self-storage units are allowed in B-3. Mrs. Grover said they are not. Councilwoman Landbeck felt the Development Code should be amended to speak to this issue in regard to the use chart and definitions.

Mr. Swisher felt that once the proposed road is put in, that will serve to split the B-3 and R-3. He opined that traffic would be tough in this area, and that if the City develops its property, traffic will become a serious problem. He felt the pumping station right-of-way should be shown clearly on the drawings.

The Chairman opened the floor for public comment. No such comments were forthcoming. No additional comments were offered by the Planning Commission members.

The Chairman reminded the Planning Commission that the issue under consideration is the requested rezoning, not the potential development into apartments or storage units.

Motion by Mr. Hersh, seconded by Ms. Preston, to approve the rezoning of the Colony at Beards Hill LLC, Parcel 55, P/O Lot 1, from R-1/B-3 to R-3/B-3. Motion passed unanimously.

At this point, the Chairman called for a five minute break.

2. Review Consolidation, Dedication, and Easement Plan for the Lands of 607 Old Philadelphia Road LLC
Location: 607 Old Philadelphia Road (Ferrell Fuel property)

Representative: Christopher Mink, CNA.

Mr. Mink indicated the expansion of the propane operation was approved in 2009, that this is a follow-up plat for consolidation, to include the dedication of a 10-foot right-of-way along Old Philadelphia Road, and to add the drainage, utility, and storm water management easements. There are currently three separate industrially zoned parcels; approval is being sought for consolidation into one. Mr. Mink provided a further description of the property and indicated all parcels are owned by the Ferrell Fuel ownership group.

Mrs. Grover indicated the site plan for propane use had been approved by the Planning Commission in 2008. At that time, the Chairman had asked that the three lots be consolidated;

this is the follow-up to that request. The plan before the Planning Commission incorporates Public Works comments regarding utilities and easements. Mrs. Grover asked that the address for the property be shown on the plan as 607 Old Philadelphia Road for the consolidated area; that a note be added indicating this property is in the City of Aberdeen's Wellhead Protection Area Zone 1; and that the zoning of M-1 (Light Industrial) be expressed.

Mr. Lapinsky read into the record the comments that had been sent to Mr. Mink, to wit: Label the address for the existing building; Label existing 30,000-gallon propane storage tanks as "non-permitted," since that is their status at this point, and add the following note: "Future development will require a projected water and sewer usage calculations letter signed and sealed by an engineer." Mr. Lapinsky advised Mr. Mink that the sediment and erosion control permit will expire on February 17, 2012. He also indicated the Public Works Agreement (PWA) has recently expired. Dave Lynch of Ferrell Fuel was made aware of this. Mr. Lynch subsequently requested and received an extension of the PWA through February 4, 2013.

Mr. Swisher and Mrs. Kosko asked Mr. Lapinsky who needed to permit the propane tanks and what was needed to get them permitted. Mr. Lapinsky said the propane tank permit was not received by Harford County for review of the installation of those tanks. Mrs. Grover said the City issues the permit. In addition, the plat consolidation needed to be completed. There will also be a hearing before the Board of Appeals in April to speak to the tank setbacks. Mr. Lapinsky said he wanted to have a note on the plat to indicate that approval of the plat is not tied to the tank approval. Discussion ensued over foundation permits, the status of the foundation itself, and its relation as to the placement of the tanks.

Mrs. Kosko asked Mrs. Grover if this plat will be recorded. Mrs. Grover said yes, due to the changes made to the overall property regarding easements, the right-of-way, and overall consolidation. Mrs. Kosko pointed out the note indicating the plat "is subject to revision" and wondered if this should be removed. Mrs. Grover said it should be removed; Mr. Mink said he would include this with the other changes to the plat.

Motion by Mr. Schlottman, seconded by Mrs. Kosko, to approve the Consolidation, Dedication, and Easement Plat for the Lands of 607 Old Philadelphia Road LLC, with the notes and comments from staff to be incorporated. Motion passed unanimously.

3. Review Annexation Petition for Presbyterian Home of Maryland, Inc. and Friar LLC

Location: Parcel of land located on Technology Drive, Tax Map 51, Parcel 951, approximately 2.174 acres of land, more or less

Representative: Peter Bosworth, member of Friar LLC.

Mr. Bosworth indicated Friar LLC has a contract option for the purchase of 2 acres off a 9-acre parcel currently owned by Presbyterian Homes and would like to have that 2 acres annexed into the City. He will not be dealing with the other 7 acres. Mr. Swisher asked if this particular 2 acre piece is a separate lot unto itself. Mr. Bosworth said no, but he would take this piece and subdivide it once annexed. Mr. Swisher asked if it wouldn't be better to subdivide first then request annexation. Mr. Bosworth said that is typically how it's done, but there is nothing in law

that says you have to do it that way. Mr. Bosworth proceeded to describe the land, Harford County's land use designation (MO, Mixed Office), its zoning in Harford County (AG, Agricultural), aspects of the City's Integrated Business District (IBD) zoning, and surrounding property features.

Mrs. Grover indicated the 9-acre parcel was approved for annexation by the Planning Commission in December 2010 with IBD zoning, but the City Council didn't take any further action due to the connection to Presbyterian Homes. The property is in Planning Area 11 of the City's Comprehensive Plan. Mrs. Grover asked Mr. Bosworth what the use would be. Mr. Bosworth said there is no defined market as yet, that the vision for this property is still unfolding. He speculated it could be for a small contractor's office or retail use. Mrs. Grover asked if he might attach it to the 15 acres he has adjoining this property. Mr. Bosworth said yes, he could do that and perhaps build apartments as a mixed use development per IBD requirements.

Mr. Lapinsky advised that page 2 of the annexation petition shows the old water and sewer connection fees. Those fees now total \$15,900. Mr. Lapinsky asked Mr. Bosworth if this 9-acre property was considered in the calculations for the pumping station in that area. Mr. Bosworth said he didn't know. Discussion ensued over what was to be included in the capacity calculations of that pumping station.

Mrs. Heavey pointed out that Mr. Bosworth stated at the citizen input meeting that the 2 acres would serve as support for the apartments intended for the 15-acre piece next door, but stated this evening that it now may be considered as an independent piece. Mr. Bosworth clarified that apartments in an IBD zoning can only be done as part of a mixed use plan. The annexation of the 2 acres would afford him the opportunity to present a mixed use plan, with this portion being the commercial part of such a plan. Mrs. Heavey referenced the earlier comment of this perhaps being a contractor's office. Mr. Bosworth said this would still qualify as a commercial use; he then proceeded to review the IBD regulations and some of the uses allowed in a mixed use area. He said he has no idea what will be there, but it would be whatever is required under the IBD regulations. Discussion ensued over IBD specifications, development regulations, and definitions.

Mr. Swisher said the annexation procedure in this case is a little foreign to him, but he understands what Mr. Bosworth is doing. Mr. Bosworth said he cannot do a subdivision with this piece currently in Harford County, that the County will not allow a property zoned Agricultural to be subdivided if it less than 10 acres. The procedure he is following is the same one the City followed in annexing the McDonald property behind the Ripken Academy. Mr. Swisher asked why he didn't buy the entire 9 acres. Mr. Bosworth gave a history of the property, his relationship with Presbyterian Homes, the presence of wetlands, and the need for Presbyterian Homes to have a good front along Technology Drive.

The Chairman opened the floor for public comment. No such comments were forthcoming. No additional comments were offered by the Planning Commission members.

In summary, Mr. Bosworth asked for approval of the amend annexation petition presented to the Planning Commission. Once annexed into the City, it would then be subdivided.

Motion by Mrs. Kosko, seconded by Mr. Hersh, to approve the amended annexation petition and a zoning of IBD. Motion passed, 5-1 (Mrs. Heavey voting no).

4. Other Business

City Council actions: Councilwoman Landbeck informed the Planning Commission that legislation was introduced this past Monday to abolish all Council liaisons to various committees. Therefore, if passed, she will no longer be the liaison to the Planning Commission. She had asked for the rationale on this change, but was given none. She feels the Planning Commission should come up with a way to have the City Council informed as to the business of the Planning Commission. The question arose as to whether this applies to all committees. Councilwoman Landbeck said it does. Councilwoman Landbeck indicated there would be a change in the City Charter, as the liaison position is not in our Charter, but is spelled out and allowed in State law. She added that she would be at the Planning Commission meetings, that if questions arise she could be called or answer the question(s) at the meeting itself. Mr. Swisher felt this to be very unusual. He said he has been on the Planning Commission for 40 years and has always had a liaison. Moreover, Councilwoman Landbeck is the first liaison to give the Planning Commission regular updates and feedback on City Council actions related to Planning Commission decisions. Mr. Swisher asked if the Aberdeen Police Department representative was affected by this proposal. Councilwoman Landbeck said no, just the City Council liaison.

There being no further business or public comment, the meeting was adjourned at 8:41 p.m.

Planning Commission Chairman

Recording Secretary

Date of Approval